

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on June 18, 2012.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

June 4, 2012

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Dykhous Lomonaco Palmer
 Postema VanderSluis VanHouten

Other official present: James W. DeLange, Chief Building Official

Member absent: Burrill

A motion was made by Lomonaco and seconded by Dykhous to excuse Burrill.

Motion carried: 7 Yeas 0 Nays

A motion was made by Van Houten, and seconded by Palmer to approve the minutes of the May 7, 2012 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

A motion was made by Postema, and seconded by Dykhous to approve the minutes of the May 21, 2012 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V120213 P.P. #41-18-19-226-011
Michigan Cremation Co.
3627 Linden Ave. S.E.
Zoned I-1

The application requesting a Use variance from City Zoning Code section 90-471 to allow a mortuary and crematorium with limited funeral service ability to operate in an I-1 Light Industrial zoned district was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Robert Christiansen, Michigan Cremation Co., 154 36th St. SW., explained the business had started in downtown Grand Rapids. Two years ago, they moved to Wyoming and are currently in need of a larger facility. He knows the use is only allowed in commercially zoned districts; however the building at this location would suit their needs.

Ron Salarato, 2045 Sprint Boulevard, Apopka, FL from Matthews Cremation was present for any questions the Board may have on the process.

There being no further remarks, Chairman VanderSluis closed the public hearing.

DeLange clarified the variance was to allow cremation in an I-1 zoned district. This specific use is allowed in B-2 zoned districts; however the process is similar to other I-1 uses so staff supported the variance request. The ability to hold funeral services would be an accessory use, and would be limited to small groups. Larger services would be held at churches or funeral homes. There is sufficient parking.

Mr. Christiansen agreed with the statement regarding the limitation of the funeral services.

A motion was made by Beduhn and seconded by VanHouten that the request for a variance in application no. V120213 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because some of the processes involved in the proposed cremation operation are similar to other industrial uses such as incineration machinery, air emission, etc. The limited funeral service capacity is accessory to the cremation process and not primarily assembly use such as a typical funeral home business.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because it will allow this unique business to occupy a modest size facility located in an I-1 industrial zoned district.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the building already exists and the proposed business operations are conducted inside. Street congestion is not a factor as there is adequate on site parking for the intended use.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because of the unique nature of the business.

Motion carried: 7 Yeas 0 Nays (Resolution #5328)

PUBLIC HEARING:

Appeal #V120214 P.P. #41-17-34-103-015
Ashley Ann Moon
5277 Cottondale Dr. S.W.
Zoned R-1

The application requesting a temporary Use variance from City Zoning Code section 90-96 to allow a portion of a single family home located in an R-1 residential zoned district to be used for a one station dog grooming business was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Ashley Ann Moon, 5277 Cottdale Dr. S.W., said that while she had a full time job, she would like the ability to groom dogs at her house. The dogs would stay in the house and not go into the yard. There would only be one dog at a time.

There being no further remarks, Chairman VanderSluis closed the public hearing.

DeLange had previously discussed the appeal with the applicant. With the limitations in the Staff's recommended Finding of Facts, staff would support a temporary three year variance. This would allow the applicant time to build a clientele and find a business location, and give the Board a chance to monitor the affect of the variance on the neighborhood.

A motion was made by Lomonaco and seconded by VanHouten that the request for a variance in application no. V120214 be granted for three years, accepting staff's Finding of Facts.

1. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to the property in the zoning district in which it is located because this small one person pet grooming business is operated by a family resident living in the home. It is limited to one grooming station only, no boarding or "day care" of animals, no outdoor pen or run areas. This temporary use is limited to three years. It is also limited to hours of operation from 8A.M. to 5 P.M.
2. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located because this proposed use is similar in amount of vehicular traffic and scope as an allowed one chair beauty salon/hair cutting, which may exist as an incidental use in a single family zoned district.
3. That the use variance will not alter the essential character of the neighborhood nor the intent of the City Master Plan, nor be of detriment to adjacent properties because of its limited scope, temporary allowed duration and other stipulations part of this appeal.
4. That the requested use is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts because of the stipulations, restricting this use and its part time nature by the owner/family occupant.
5. That the variance will not impair the intent and purpose of this Ordinance because of the aforementioned findings.
6. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant because the business is fledgling and the provider also resides at the home.

Dykhouse asked if the Board could add a stipulation for no parking on the street.

DeLange noted since streets are public there is an allowance for on street parking. He added the property has ample room for off street parking and strongly suggested the applicant keep space available for clients.

Motion carried: 7 Yeas 0 Nays (Resolution #5329)

PUBLIC HEARING:

Appeal #V120215 P.P. #41-18-19-276-7020
D & D Building
3959 Linden Ave. S.E.
Zoned I-1

The application requesting a variance from City Zoning Code section 90-893 requiring a minimum 30' rear yard and 10' side yard setbacks in I-1 Light Industrial zoned districts; to allow proposed construction of a 4,050 square foot "L" shaped building addition with a 10 foot rear yard and a 8 foot 8 inch sideyard setback (south side yard) was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing. The applicant was not present, and Chairman VanderSluis closed the public hearing.

DeLange suggested the Board table the application. He had discovered an easement at the rear of the property, and wanted to ask the applicant some questions.

A motion was made by Lomonaco and seconded by Beduhn that the request for a variance in application no. V120215 be tabled until the June 18, 2012 meeting.

Motion carried: 7 Yeas 0 Nays

There were no public comments at the meeting.

The new business items were discussed by DeLange and the Board members.

Canda Lomonaco
Secretary

CL:cb